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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

May 18, 1994

RECEIVED

JUN 17 1994

IN REPLY REFER TO:

Honorable Phil Gramm  
United States Senator  
2323 Bryan Street, #1500  
Dallas, Texas 75201

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Dear Senator Gramm:

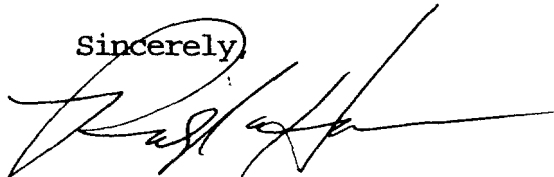
This is in reply to your letter of March 30, 1994, on behalf of your constituent Mr. C.R. Weinheimer, President of the Kerrville Telephone Company. Mr. Weinheimer is concerned about the opportunity of rural telephone companies in Texas to participate in the spectrum auction process of the personal communications services (PCS) under the provisions of the Omnibus Budget Reconciliation Act of 1993 (OBRA). Mr. Weinheimer also called our attention to a summary of positions filed by several independent telephone companies in the Commission's PP Docket No. 93-253. Your letter was referred to me as Chief of the Personal Communications Systems Task Force for the Commission.

On March 8, 1994, the Commission adopted a Second Report and Order in Docket No. 93-253. That proceeding established a general menu of tools designed to assist those entities, including rural telephone companies, identified by Congress as requiring special consideration by the Commission (the "designated entities"). I am pleased to note that the Commission has adopted several of the proposals advocated in the position summary.

The Commission, for example, adopted bidding credits and installment payments for use by designated entities, both of which were suggested in the position summary. Moreover, the Commission will require full payment of a winning bid within five business days following award of a license, the grant of which will be conditioned on this payment, which again is in keeping with the position summary. The Commission also defined a rural telephone company, for the purposes of this proceeding, as a telephone company having no more than 50,000 access lines, and serving communities with a population of no more than 10,000. The Commission also stretched out its down payment requirements for small businesses.

We are confident that the measures the Commission has adopted will help enable rural telephone companies in Texas to participate in the personal communications services marketplace and deliver PCS to their customers. The Commission shares your commitment to the provision of equal and universal access of communications services to all Americans no matter where they live.

Sincerely,



Ralph A. Haller  
Chief, PCS Task Force

No. of Copies rec'd  
List ABCDE

021

Phil Gramm  
Texas

571  
United States Senate

MEMORANDUM

Date: 3-30-94

Federal Communications Commission  
Office of Congressional Affairs  
1919 "M" Street, NW  
Washington, D.C. 20554

A constituent has sent the enclosed communication. A response which addresses his/her concerns would be appreciated.

Please send your response, together with the constituent's correspondence, to the following address:

Office of Senator Phil Gramm  
2323 Bryan Street, #1500  
Dallas, Texas 75201

Attn: ~~Christy Thompson~~

Patricia Robinson  
AND Request

Phil Gramm  
Texas

## United States Senate

### MEMORANDUM

Date: 1-13-94

Federal Communications Commission  
Office of Congressional Affairs  
1919 "M" Street, NW  
Washington, D.C. 20554

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Office of Senator Phil Gramm  
2323 Bryan Street, #1500  
Dallas, Texas 75201

Attn: Christy Thompson

2ND Request

**Kerrville Telephone Company**

P. O. Box 1128

Kerrville, Texas 78029-1128

(210) 896-9100

C. R. Weinheimer  
President

January 21, 1994

**The Honorable Phil Gramm**  
370 Senate Russell Office Building  
Washington, D.C. 20510

**RE: PCS dockets pending before the FCC**

**Dear Senator Gramm:**

I am writing to you on behalf of The Kerrville Telephone Company and Five Star Cellular regarding the competitive bidding and personal communications services (PCS) dockets currently pending before the Federal Communications Commission (FCC). Personal communications is an advanced wireless telecommunications service that will allow a person to be reached anytime, anywhere. I urge you to take action to ensure that rural Texas is not inadvertently disadvantaged or left behind in the development of telecommunications infrastructure. In this regard, it is critical that the rules which the FCC ultimately adopts to auction PCS and other new telecommunications services encourage participation by the rural telecommunications providers who have demonstrated a continued commitment to providing rural Texas with advanced telecommunications services.

Our experience building cellular networks in rural Texas demonstrates the ability of small, rural telephone companies to quickly provide new advanced technological service to rural areas. In just four years, following the issuance of the first rural service area (RSA) authorization, cellular service has been implemented in each of the RSAs in Texas. Five Star Cellular which is affiliated with The Kerrville Telephone Company is committed to providing your constituents with new and advanced telecommunications services. Your constituents must not be overlooked when determining the method used to allocate PCS licenses.

The FCC's auction authority, outlined in the Omnibus Budget Reconciliation Act of 1993, includes guidelines for the FCC to design the auction so that rural telephone companies can participate effectively and independently for licenses. Congress specifically mandated that the FCC award licenses for new technologies, including PCS, in a manner that promotes the following objectives:

The Honorable Phil Gramm  
January 21, 1994  
Page 2

- 1) the development and rapid deployment of new technologies, products, and services for the benefit of the public, including those residing in rural areas, without administrative or judicial delays; and
- 2) the promotion of accessibility of new technology to the public by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women.

To maximize benefits to consumers and encourage the participation of all rural telephone companies, we would like you to tell the FCC to design the auction rules in manner that will give rural telephone companies a meaningful opportunity to participate in the auction process.

Participation by rural telecommunications companies would produce new job opportunities and an expanded infrastructure in rural areas each of which benefit your constituents. Additionally, participation in auctions by a larger number of companies would likely yield higher revenues and allow for a greater reduction in the federal deficit.

Please tell the FCC to adopt measures that will ensure the participation of rural telecommunications providers so that your constituents will be assured of receiving these advanced telecommunications services.

We have enclosed a suggested letter which you could send to the Chairman of the FCC to help us in our efforts. Additionally, if you could call the FCC and let them know that you support us in our efforts, we would appreciate it greatly.

I welcome the opportunity to further discuss these issues with you and your staff.

Respectfully,



CRW/wkp

enclosures

SUGGESTED LETTER FOR CONGRESS TO SEND TO FCC

January 25, 1994

Chairman Reed Hundt  
Federal Communications Commission  
1919 M Street, N.W.  
Room 814  
Washington, D.C. 20554

RE: Ex Parte  
PP Docket No. 93-253  
General Docket 90-314

Dear Commissioner Hundt:

I am writing to you regarding the competitive bidding and personal communications services (PCS) dockets currently pending before the Commission. I would like you and the Commission to take action to ensure that rural America is not inadvertently disadvantaged or left behind in the development of telecommunications infrastructure. In this regard, it is critical that the rules which the Commission ultimately adopts to license PCS and other new technologies encourage participation by the rural telecommunications providers who have demonstrated a continued commitment of providing rural America with advanced telecommunications services.

The ability of small, rural telephone companies to quickly provide new advanced technological service to rural areas has been ably demonstrated by rural telephone companies that provide cellular service in rural and small markets. In just four years, following the issuance of the first rural service area authorization, cellular service has been implemented in each of the 428 RSAs. The commitment made by these rural telephone company affiliated cellular service providers to provide their local subscribers with new and advanced telecommunications services must not be overlooked when determining the method used to allocate PCS licenses.

As you are aware, the Congress enacted and the President signed the Omnibus Budget Reconciliation Act of 1993. The FCC's auction authority, outlined in the legislation, includes guidelines to the Commission to design the auction so that rural telephone companies, small businesses, and minority and female-owned enterprises can participate effectively and independently for licenses to operate PCS and other new telecommunications services. I believe that the measures set forth below concerning rural telephone companies are consistent and within the realm of Congress' mandate.

- Only open oral (including real time electronic) bidding should be permitted in order to promote an open fair process.
- Smaller bands of spectrum should be auctioned first. Within each block, areas should be from least to most population.
- Combinatorial bidding should not be permitted. If permitted, sealed bidders should not be permitted to participate in the oral bidding for the individual licenses.
- Minimum bids may artificially limit participation of potential service providers.
- Full payment from all bidders except "designated entities" (i.e., rural telcos, small businesses, minorities, and women) should be a condition to receiving the license.
- Independents should qualify for a preference based on two factors: as a rural carrier and a small business. A rural telephone company should be defined as one serving fewer than 50,000 access lines or alternatively, as a rural telco that serves communities with populations under 10,000.
- Independents should be eligible for designated entity preferences for licenses in all areas, both inside and outside of their telephone service areas.
- With regard to PCS, rural telcos should be eligible to bid for the channel blocks set aside for designated entity groups. Rural telcos that lose the bid for the set aside blocks should be permitted to apply to partition the license area prior to construction by the successful bidder.
- Designated groups should be entitled to certain preferences in bidding for any channel blocks, including deferred payment of the bid price. Tax credits should be given to any entity that sells spectrum to a designated entity.
- Consortia eligible for preferences must be under the control of individuals and/or entities that are individually eligible for the preference.
- Transfers of licenses from one designated entity to another should not be restricted.

By adopting these measures, the FCC will encourage and facilitate the participation of rural telecommunication service providers who have demonstrated commitment to rural areas. Participation by rural providers will serve the public interest by

Chairman Reed Hundt  
January 25, 1994  
Page 3

ensuring that areas will be served even though they may not be considered "cream markets" by potential licenses bidding for a larger service area that encompasses less lucrative rural markets. Additionally, participation by rural telecommunications companies would produce new job opportunities and an expanded infrastructure in rural areas.

I am requesting that you adopt measures that will ensure the participation of rural telecommunications providers and other small entrepreneurs. The success of businesses in rural areas in building wireless networks in the past four years indicates that their inclusion in the spectrum auction will benefit the American economy and the American public. Open entry to the telecommunications market for all interested players increases competition, provides tremendous opportunity and serves the public interest.

I welcome the opportunity to further discuss this matter with you and your staff.

Sincerely,

cc: Commissioner James H. Quello  
Commissioner Andrew C. Barrett  
Commissioner Ervin S. Duggan  
Tom Stanley, Chief Engineer, Office of Engineering &  
Technology  
Robert Pepper, Chief, Office of Plans and Policy  
John Winston, Director, Small Business Activities Office  
Office of the Secretary of the FCC (2 copies)



**Kerrville Telephone Company**

P. O. Box 1128  
Kerrville, Texas 78029-1128  
(210) 896-9100

C. R. Weinheimer  
President

January 21, 1994

Reed Hundt, Chairman  
Federal Communications Commission  
1919 M Street, N.W. Room 814  
Washington, D.C. 20554

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We are writing to express our support for the positions and proposals set forth on behalf of small rural telephone companies by various commenters in the above-referenced proceeding. The adoption of these positions and proposals, as summarized in the attachment to this letter, will foster the objectives of the Congressional mandate to ensure the deployment of Personal Communications Services and other new telecommunications services in rural America and the participation of rural telephone companies in the provision of these services.

Very truly yours,



CRW/wkp

enclosure

cc: Commissioner James H. Quello  
Commissioner Andrew C. Barrett  
Commissioner Ervin S. Duggan  
Tom Stanley, Chief Engineer, Office of Engineering &  
Technology  
Robert Pepper, Chief, Office of Plans and Policy  
John Winston, Director, Small Business Activities Office  
Office of the Secretary of the FCC (2 copies)  
Senator Phil Gramm  
Senator Kay Bailey Hutchinson  
U.S. Representative Lamar Smith

## SUMMARY OF POSITIONS OF INDEPENDENT TELEPHONE COMPANIES

- Entities applying to utilize available spectrum as an "intermediate link" between other facilities, should only be subject to a competing application by an applicant that proposes to utilize (not resell) the spectrum for a similar purpose.
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Gramm  
Texas

United States Senate

MEMORANDUM

Date: 2-4-94

Federal Communications Commission  
Office of Congressional Affairs  
1919 "M" Street, NW  
Washington, D.C. 20554

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Office of Senator Phil Gramm  
2323 Bryan Street, #1500  
Dallas, Texas 75201

Attn: Christy Thompson

*CB*  
*off*  
*Auction*  
*571*

**Kerrville Telephone Company**

P. O. Box 1128

Kerrville, Texas 78029-1128

(210) 896-9100

C. R. Weinheimer  
President

January 21, 1994

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Washington, D.C. 20510

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CRW/wkp

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Tom Stanley, Chief Engineer, Office of Engineering & Technology  
Robert Pepper, Chief, Office of Plans and Policy  
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Office of the Secretary of the FCC (2 copies)



**Kerrville Telephone Company**

P. O. Box 1128

Kerrville, Texas 78029-1128

(210) 896-9100

C. R. Weinheimer  
President

January 21, 1994

Reed Hundt, Chairman  
Federal Communications Commission  
1919 M Street, N.W. Room 814  
Washington, D.C. 20554

RE: PCS Docket No. 93-253

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CRW/wkp

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*C. R. Weinheimer*  
President

January 21, 1994

Reed Hundt, Chairman  
Federal Communications Commission  
1919 M Street, N.W. Room 814  
Washington, D.C. 20554

RE: PCS Docket No. 93-253

Dear Chairman Hundt:

As you are aware, signed the Omnibus Budget Reconciliation Act of 1993, which gave the FCC the authority to auction spectrum to the Commission to determine which companies can participate in the auction of licenses to operate PCS and

We are writing to express our support for the proposals set forth on behalf of various commenters in the above referenced proceeding. The adoption of these positions and proposals in this letter, will foster the FCC's mandate to ensure the deployment of PCS and other new telecommunications services and the participation of rural areas in the provision of these services.

and the President of the FCC of 1993. The FCC's decision includes guidelines that rural telephone companies can participate independently for telecommunications services.

the positions and telephone companies by the FCC. The adoption of these positions in the attachment to the Congressional Record will ensure that rural areas in rural America can participate in the provision of these services.

Very truly yours,

*C. R. Weinheimer*

CRW/wkp

enclosure

cc: Commissioner James H. Quello  
Commissioner Andrew C. Barrett  
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